

**35. When exercise of State functions within ceded area is consistent with exclusive Federal jurisdiction.**—The exercise by a State within a ceded area of purely administrative functions which are necessary to preserve to its people the rights and immunities safeguarded to them by the Constitution, would not be inconsistent with exclusive jurisdiction of the United States, so long as the exercise of such functions does not interfere with any of the constitutional functions of the Federal Government. This was recognized by the Attorney General of the United States<sup>4</sup> in construing a Virginia statute consenting to the purchase by the United States of lands within that State. The statute expressly retained concurrent jurisdiction with the United States over the site to be purchased pursuant to the Act “so that the courts, magistrates, and officers of that State may take such cognizance, execute such process, and discharge such other legal functions within the same, as may not be incompatible with the consent hereby given.” The Attorney General observed that the statute “recognizes a ceded Federal jurisdiction, co-extensive with the demand of the Constitution of the United States, whatever that may be. It reserves for the State only such authority as may not be incompatible with the constitutional completeness of the authority ceded to the United States.” But, the Attorney General continued, “all such rights would remain to the State by operation of law, even if not expressly reserved. For, on the general principle of constructive relation between the United States and each of the States, the former cannot take from a State anything more than is ‘within the contemplation’ of the Constitution of the United States, however broad and indefinite may be the terms of grant by a particular State.”

In practice, the constructive relation of the State and Federal Governments is manifested in many ways by administrative officers of the Federal Government. It has long been the custom of Federal officers having control of areas over which the United States has acquired exclusive jurisdiction to grant to States in which the land is situated or to their political subdivisions or citizens, privileges within such areas which, while of no direct benefit to the Federal activity involved, are beneficial to the State or local community affected, as, for instance, permission to use such areas for highway, public utility or other municipal purposes.<sup>5</sup>

**36. Meaning of word “purchase” in consent-to-purchase statutes.**—Preponderance of authority supports the view that the word “purchased” as it appears in Art. I, Sec. 8, Cl. 17 of the Constitution, is used in its popular or restricted sense as referring only to actual purchase through negotiations with the owner,

<sup>4</sup> 7 Atty. Gen. 628, 631.

<sup>5</sup> 35 Atty. Gen. 485, 487.